

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-16165 – APPLICANT/OWNER: YONG H. JUNG**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-2/se,sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. This approval shall be reviewed in six months at a public hearing before the Planning Commission.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a variance to allow 7 parking spaces where 13 parking spaces are the minimum required on 0.19 acres at 505 South Decatur Boulevard. The applicant proposes to locate a medical office facility at this location.

The site is currently configured with ten parking spaces. However, the applicant is proposing to replace three parking spaces located in the northeast portion of the property with a single required van-accessible handicap parking space, resulting in a net loss of two spaces. An existing 8 foot by 15 foot space is located in the northwest portion of the site. This space cannot be counted because it does not meet the minimum size of 8 feet by 18 feet, and it cannot be expanded because it would overhang into the driveway and would block the 14 foot wide driveway which wraps around the west side of the structure. The elimination of this space and the requirement for a van accessible handicap space leaves seven spaces as depicted on the site plan.

On-street parking is available on Lorna Place. Per Title 19.10.010D, on-street parking cannot be toward satisfying the requirement for on-site parking.

This site was converted to an office use in 1991. No on-site landscaping was required as part of the building permit approval.

This Variance is not supported as the hardship is self imposed through the applicant's choice to locate in a facility that cannot accommodate the intensity of the proposed use.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/20/91	The City Council approved a rezoning (Z-90-91) of this site to P-R (Professional Offices and Parking).
10/05/06	The Planning Commission voted 5-2/se/sd to recommend APPROVAL (PC Agenda Item #49/ar).
<b><i>Related Building Permits/Business Licenses</i></b>	
12/12/91	A building permit to convert a single family dwelling to an office was approved for this location. No landscaping was required by this permit. The building permit for the single family dwelling was approved in 1955.
<b><i>Pre-Application Meeting</i></b>	
07/19/06	At the pre-application meeting, staff indicated that a van-accessible handicap space would be required in conjunction with this application.
<b><i>Neighborhood Meeting</i></b>	
	A neighborhood meeting is not required for this application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.19

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	P-R (Professional Offices and Parking)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Office	O (Office)	P-R (Professional Offices and Parking)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Hotel/casino	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	
<i>Special Districts/Zones</i>	Yes	No	Compliance
<b>Special Purpose and Overlay Districts</b>	X		
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

## DEVELOPMENT STANDARDS

Per 19.08.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.19 Acres	Y
Min. Lot Width	60 Feet	63 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	8 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	15 Feet	34 Feet	Y
Max. Lot Coverage	50 %	29 %	Y
Max. Building Height	2 stories/35 feet	1 story/15 feet	Y

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Office	2,411 Square Feet	One space for each 200 sf of gfa up to 2,000 sf, plus one space for each additional 175 sf.	13 Spaces	1 Space	6	1	
TOTAL			13		7		
Percent Deviation			54%				

## ANALYSIS

The site is currently developed with a 2,411 square foot office building which was converted from a single family dwelling in 1991. Access is provided by a single driveway to Lorna Place. A van-accessible handicap space is shown in the north portion of the site, with six additional spaces shown in the south.

The site plan that was associated with the approved zone change indicated that this property was to be used as a general office. The site plan depicted seven spaces, which complied with the parking requirement of seven spaces based on the zoning code standard of one space per 400 square feet. This variance is caused by the applicant's proposal to change the use of the property to a medical office, which is required by the zoning code to provide more parking than a general office.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by locating in a facility that cannot accommodate the intensity of the proposed use. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

#### **PLANNING COMMISSION ACTION**

There were two speakers in opposition at the Planning Commission meeting. The Planning Commission added condition #2 as shown.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 191 by City Clerk

**APPROVALS** 0

**PROTESTS** 0